UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JOHN BRYAN HODKINSON,	§	
	§	
Plaintiff,	§	
VS.	§	MISC. ACTION NO. 7:18-MC-982
	§	
LORIE DAVIS,	§	
	§	
Defendant.	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner John Bryan Hodkinson filed a petition for writ of habeas corpus which had been referred to the Magistrate Court for a report and recommendation. Petitioner then filed a declaration seeking to withdraw all claims. On August 14, 2018, the Magistrate Court issued a Report and Recommendation, recommending that the petition be dismissed without prejudice, that Petitioner be denied a certificate of appealability, and that the case be closed. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.[1] Finding no clear error, the Court adopts the Report and Recommendation in part. Accordingly, it is hereby ORDERED that John Bryan Hodkinson's petition for writ of habeas corpus is **DISMISSED** without prejudice and the case be closed.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 1st day of October, 2018.

Micaela Alvarez
United States District Judge

[1] As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)) *superceded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in* ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. Apr. 2, 2012).